



Economic Impact Analysis Virginia Department of Planning and Budget

16 VAC 25-145 – Safety Standards for Fall Protection in Steel Erection, Construction Industry

Department of Labor and Industry

February 4, 2003

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.G of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The General Assembly mandates in §40.1-22 of the Code of Virginia that the Safety and Health Codes Commission adopt, alter, amend, or repeal rules and regulations to further protect and promote the safety and health of employees in places of employment over which it has jurisdiction and to effect compliance with the federal Occupational Safety and Health Act (OSHA), and as may be necessary to carry out its functions.

The proposed regulation establishes safety standards for fall protection for workers on steel erections. It sets forth requirements to protect workers from the hazards associated with steel erection activities involved in the construction, alteration, and/or repair of single and multi-story buildings, bridges, and other structures where steel erection occurs.

Estimated Economic Impact

The proposed regulation establishes safety standards and requirements deemed necessary to protect steel erection workers from falls. In October 2001, the Safety and Health Codes Commission adopted the new federal OSHA safety standards for steel erections. However, when promulgating the proposed regulation, the commission decided not to adopt certain aspects of the federal standards.

First, the proposed regulation requires protection for steel erection workers from falls from a height of 10 feet or more above a lower level. Federal regulations require fall protection from falls from a height of 15 feet or more above a lower level. The federal fifteen-foot requirement was deemed inadequate based on the Virginia Occupational Safety and Health (VOSH) program's investigation of at least 18 fatal construction accidents involving falls of less than 15 feet. While none of these accidents occurred on steel erectors, they served to demonstrate the potentially fatal hazards of falls of less than 15 feet.

Second, the proposed regulation allows for an exception to the requirements of this regulation for employees working as connectors. A connector is defined as an employee who, working with hoisting equipment, places and connects structural members and/or components. The exception was made based on the VOSH program's determination that during the interval when structural members and/or components are in the air being hoisted into position for assembly, a greater hazard exists if connectors are tied and not given the freedom to move in order to avoid swinging steel.

Third, the proposed regulation specifically prohibits the use of controlled decking zones. Under federal OSHA regulations, a controlled decking zone is defined as an area with controlled access where certain work may take place without the use of guardrail systems, personal fall arrest systems, fall restraint systems, or safety net systems. The proposed regulation does not allow for the creation of controlled decking zones and requires fall protection be provided during all decking operations.

The proposed regulation is not likely to have a significant economic impact. The safety standards and requirements being proposed are currently enforced administratively under the VOSH program. VOSH regulations dealing with the use of personal protective equipment and safety nets in construction have been used to enforce safety standards for steel erection workers

for over 15 years. The proposed regulation codifies those standards. As the regulation does not affect current practice, it is not likely to impose additional costs on employees (in terms of reducing safety) or employers (in terms of applying new standards) operating in the construction industry and using steel erections. In fact, to the extent that the regulation codifies current administrative policy and improves the implementation and enforcement of existing safety standards and requirements for steel erections, it is likely to have a positive economic impact.

Businesses and Entities Affected

The regulation codifies current administrative policy and proposes no substantive changes. It is not likely to impose any additional costs on employees (in terms of safety) and employers (in terms of additional standards) operating in the construction industry and using steel erections. To the extent the regulation codifies and clearly lays out current policy, it will make it easier for employers and employees to comply with existing safety standards.

Localities Particularly Affected

The proposed regulation will affect all localities in the Commonwealth.

Projected Impact on Employment

The proposed regulation is not likely to have a significant impact on employment.

Effects on the Use and Value of Private Property

The proposed regulation is not likely to have a significant impact on the use and value of private property.